

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent, No. CR S-99-0433 WBS GGH

vs.

SON VAN NGUYEN,

Movant. ORDER

_____/
A joint scheduling statement in this matter was filed on December 22, 2010, pursuant to the court's order filed November 24, 2010. After reviewing the joint statement, the court issues the following ORDERS:

1. Should movant choose to stand on the original § 2255 motion, movant's counsel must so inform the court and must file any supplemental memorandum of points and authorities within twenty-eight (28) days of the filed date of this order;

2. Alternatively, should movant elect to proceed on an amended § 2255 motion, the amended motion must be filed within twenty-eight days, along with any supporting memorandum of points and authorities;

3. Once movant has proceeded pursuant to either no. 1 or no. 2 above, respondent must file an answer or dispositive motion within twenty-eight days thereafter; movant must file

any reply or opposition, as appropriate, within twenty-eight days of service of respondent's responsive pleading; if respondent filed a motion, respondent will have fourteen days after service of an opposition to file a reply;

4. If movant intends to make a motion for leave to conduct discovery under the Rules Governing Section 2255 Proceedings, Rule 6, movant must do so within twenty-eight days; if respondent opposes any such motion respondent must do so within twenty-eight days thereafter; movant's reply, if any, must be filed within fourteen days of any opposition by respondent;

5. If movant chooses to move for an evidentiary hearing, movant must do so at the earliest appropriate opportunity; should movant file a motion for an evidentiary hearing, respondent must file any opposition within twenty-eight days of service of the motion, and movant must file any reply within fourteen days of service of any opposition.

DATED: January 4, 2011

/s/ Gregory G. Hollows

**GREGORY G. HOLLOWSS
UNITED STATES MAGISTRATE JUDGE**

GGH:009
nguy0433.pst